

In the
Indiana Supreme Court

IN THE MATTER OF THE)

APPROVAL OF LOCAL RULES)

FOR CLINTON COUNTY)

Case No. 12S00-1304-MS- 254



ORDER APPROVING AMENDED LOCAL RULES

The judges of the Clinton Circuit and Superior Courts request the approval of amended local rules for special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Clinton Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR12-TR79-Rule 3 and LR12-TR79-Rule 4 comply with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Clinton County Local Rules, LR12-TR79-Rule 3 and LR12-TR79-Rule 4, set forth as an attachment to this Order, are approved effective April 1, 2013, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Justin Hunter, Clinton Superior Court, 320 Courthouse Square, Frankfort, IN 46041-1963; the Hon. Bradley K. Mohler, Clinton Circuit Court, 355 Courthouse Square, Frankfort, IN 46041-1964; to the Clerk of the Clinton Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Clinton Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on April 17, 2013.

Brent E. Dickson
Chief Justice of Indiana

LR12 – TR79 – RULE 03

COORDINATED LOCAL RULE ON SELECTION OF SPECIAL JUDGE IN CIVIL CASES

3.10 Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Clinton County, in conjunction with the other Courts of Administrative District 12 (Boone County, Hamilton County, and Tipton County, Indiana), have adopted the following rule to establish procedures for the selection of special judges in civil cases:

3.20 A change of judge or an order of disqualification in a small claims case, protection order case, infraction case, or juvenile delinquency case shall first be addressed through LR12-TR79-Rule 04.

3.30 Within seven (7) days of the notation in the Chronological Case Summary of an order granting a change of judge or an order of disqualification, the parties pursuant to Trial Rule 79(D) may agree to any judge eligible under Trial Rule 79 (J).

3.40 If a special judge is required to be selected under Trial Rule 79(H) then the special judge shall be selected as follows:

3.40.10 If the case was originally filed in a court of record in Hamilton County, then the judge will be selected randomly from among the regular judges and full time judicial officers of Hamilton County subject to all existing local rules regarding case allocation and transfer.

3.40.20 If the case was originally filed in a court of record in Boone, Clinton or Tipton County, then the judge will be selected on a rotating basis from among the regular judges of those counties subject to all local rules in each individual county regarding case allocation and transfer.

3.40.30 If for any reason a judge cannot be selected by the above methods then the special judge shall be selected on a rotating basis from among all the regular judges of the District not already disqualified.

3.50 A special judge selected under **3.40** must accept jurisdiction unless disqualified pursuant to *The Code of Judicial Conduct* or excused from service by the Indiana Supreme Court. The Administrator of Courts for Hamilton County shall maintain a list of the judges eligible for selection under 3.40.20 and a list of the judges eligible for selection under 3.40.30 and shall be contacted by the selecting court each time a judge must be selected from one of those lists. The Administrator of Courts shall provide the name of the next judge on the appropriate list upon a request from the selecting court and then strike the name of the judge selected from that list. The judge selected in this manner shall not be eligible to be selected again from the same list until all other judges have been selected from that list except as required to avoid certification to the Supreme Court.

3.60 In the event that no judicial officer within Administrative District 12 is eligible to serve as special judge or the particular circumstance of the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the Court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

(As amended April 1, 2013)

LR12 - TR79 - Rule 04

SELECTION OF SPECIAL JUDGE IN SMALL CLAIMS CASES, PROTECTION ORDER CASES, INFRACTION CASES, AND JUVENILE DELINQUENCY CASES

4.10 For the orderly and prompt administration of small claims cases, protection order cases, infraction cases, and juvenile delinquency cases, these rules shall govern in the event of an order granting a change of judge or an order of disqualification in a small claims case, a protection order case, an infraction case, or a juvenile delinquency case.

4.20 In the event of an order granting a change of judge or an order of disqualification in a small claims case, a protection order case, an infraction case, or a juvenile delinquency case, and no special judge agreement is submitted pursuant to Trial Rule 79(D), then the judge of the other court in Clinton County shall serve as judge.

4.30 In the event that the judge of the other court in Clinton County is unwilling or unable to serve as judge in the case, then selection of a special judge shall be pursuant to LR12-TR79-Rule 03, omitting from the list the judges in Clinton County.

(As amended April 1, 2013)